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NOTE

From: Presidency

To: JHA Counsellors/Mixed Committee
(EU-Iceland/Liechtenstein/Norway/Switzerland)

Subject: Proposal for a Regulation of the European Parliament and of the Council establishing an Entry/Exit System (EES) to register entry and exit data and refusal of, entry data of third country nationals crossing the external borders of Member States of the European Union and determining the conditions for access to the EES for law enforcement purposes and amending Regulation (EC) No 767/2008 and Regulation (EU) No 1077/2011
- Article 25a

Delegations will find in the Annex the Presidency compromise suggestion on Art. 25a on access to data for examining the application for international protection, to be discussed at the meeting of the JHA Counsellors of 12 June 2017.

The changes, compared to the Council mandate (doc. 6960/17), are highlighted in **bold/underlined** and ~~striketrough~~.

*Article 25a**Access to data for examining the application for international protection*

1. **Where there are substantiated grounds to believe that the relevant statements and documentation, as well as the individual position and personal circumstances as presented by the applicant during the procedure concerning the examination of the application for international protection are inconsistent, and where it can be reasonably expected that access to the EES will allow to verify those inconsistencies.**
~~For the sole purpose of facilitation of examining an application for international protection,~~
the determining authorities shall have access to search the EES with the data referred to in Article 14(1) and 15 (1) (a), (b),(c) **in order to verify those statements.**
2. If the search with the data listed in paragraph 1 indicates that the data of the third country national is recorded in the EES, the competent determining authorities shall be given access to consult the data referred to in Article 14(1), (2), (3)(a), (3)(b) and (4) as well as in Article 15(1)(a), (b), (c), **and (1a)** for the sole purpose referred to in paragraph 1.
